The People's Press.

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The People's Press.

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POETRY.

"Note the Bright Hours Only."

A lesson in itself sublime,
A lesson worth enshrining,
Is this—"I take no heed of time,
Save when the sun is shining."
These motto words a dial bore,
And wisdom never preaches,
To human hearts a better lore
Than this short sentence teaches.
As life is sometimes bright and fair,
And sometimes dark and lonely,
Let us forget the toil and care,
And note the bright hours only.

There is no grove on earth's broad chart
But has some bird to cheer it,
So hope sings on in every heart,
Although we may not hear it;
And if to-day the heavy wing
Of sorrow is oppressing,
Perchance to-morrow's sun will bring
The weary heart a blessing.
For life is sometimes, etc.

We bid the joyous moments haste,
And then forget their glitter;
We take the cup of life and taste
No portion but the bitter;
But we should teach our heart to deem
Its sweetest drops the strongest;
And pleasant hours should ever seem
To linger round us longest.
As life is sometimes, etc.

The darkest shadows of the night,
Are just before the morning;
Then let us wait the coming light,
All boding phantoms scorning;
And while we're passing on the tide
Of time's fast ebbing river,
Let's pluck the blossoms by its side,
And bless the gracious giver.
As life is sometimes, etc.

Miscellaneous.

A Romantic Story of a Cuban Gentleman.

For the past three days there has been staying in our city a Cuban gentleman whose history, properly written, would be more romantic than any novel of the day. He was born in Mantanzas, in 1824, and from childhood has been a bitter hater of Spain. His father was a Spanish nobleman, but for suspected treason, when a youth, was arrested and condemned to death. He fled, and ultimately came to America, residing in New Orleans for several years. He finally went to Mantanzas under an assumed name, where he married. In 1830, Senor Mendez, for that was his name, was re-arrested, sent to Spain, and after a time executed. His wife died soon after, leaving the child, Carlos, in the charge of his uncle, a merchant in Havana. At the age of 15, young Mendez was sent to Spain to be educated. Here he remained for nearly two years, continually in trouble with his teachers and fellow pupils on account of his political views. His career culminated here in a duel with the son of a Spanish Cabinet Minister, whom he ran through the body, killing him instantly. He escaped almost by a miracle and shipped as a common sailor on board an East Indiaman, then lying temporarily for repairs at Cadiz.—Leaving the vessel at Calcutta he obtained a position in a Spanish commercial house, but soon tiring of that, he enlisted in the British army, several regiments of which were then stationed in and near Calcutta. A year later his regiment was sent to England, and from thence to Canada.—Tired of the army, he deserted and made his way over the line into Maine, and in December, 1844, he reached the city of Boston. Finding several of his countrymen, he concluded to remain there, and, assisted by them, he commenced as a teacher of the French and Spanish languages in a young ladies' academy in Pemberton square. Having an altercation one night in front of the Tremont House with a Spanish hair-dresser, he stabbed him, and fearing the consequences fled to New York. Here he was arrested, but when being taken back he sprang from the car platform in the pitchy darkness of a rainy night, breaking an arm and two ribs. He managed to escape, however, and by means of a fishing schooner got to Nantucket, where he stayed until he had recovered from his injuries. Shortly after the Cuban excitement broke out, and allying himself to a party of fillibusters, he at last landed on his native soil, after an absence of nearly ten years. In a skirmish a few days after he was taken prisoner, and with several others was shot down without ceremony. With two bullets in his body and another imbedded in his right leg, he yet retained sufficient life to crawl out of the heap of dead where he was cast during the night, and with the aid of a sympathizer found refuge and shelter until his wounds were healed.

Six months later we find him again in this country, but in New Orleans. From there he went to California, and in 1853 sailed for Japan, was shipwrecked on the passage, and spent a little more than a year among the barbarians of a cluster of islands north of the Phillipines, known as the Bashee Islands. After his rescue he returned to New Orleans, where he remained till 1861, at which time the war breaking out, he went to New York, raised a company of Cubans and Frenchmen, was commissioned as captain and did good service in the field, rising to a colonelcy before the close of the war. He tasted of the horrors of Libby and Andersonville, was shot twice—once through the shoulder and once thro' the right arm; lost two fingers by a sabre cut on a cavalry raid, besides having been blown up by the explosion of a mine near Richmond in 1865.—One can well imagine that he is "one of the few, the immortal ones, who were not born to die." Since the commencement of hostilities in Cuba he has been exceedingly active in raising men and money, and has actually visited Cuba twice with vessels bearing arms and volunteers, getting safely away again. He was the Colonel Ryan on the last expedition which came to grief the first of the week. He landed in New London on Tuesday night with nearly a hundred men who scattered at once—some returning to New York, and others where their fancy led them. For several reasons we do not need to recount, Col. Mendez came to this city, where he will probably remain for the present.—*Providence Herald.*

Who are the Ten Tribes of Israel?—More Light on the Subject—China as the Land of the Lost Tribes.

To the Editor of the New York Herald:

About two months since I saw the question asked in the *Herald*, "Who are the long lost ten tribes of Israel?" The questioner expected an answer from the preachers of modern times; but he waited in vain, and he proceeded to answer his own question himself in last Sunday's *Herald*. He thinks that the Huns and other barbarous tribes from Persia and Mesopotamia and from about the Black Sea, who invaded Europe ten or twelve centuries ago, were the ten tribes; but this is an error, as they never bore any traces of being distinct from other barbarous people. But the ten tribes do bear distinguishing qualities from all other people on the globe, living by themselves and having a civilization of their own, which is the same as they had when they lived at Samaria, on the Eastern coast of the Mediterranean, with the exception of the immense advancement they have made in agriculture, manufacture and industry, which excels that of all other nations, and make them more wealthy, perhaps, than all other nations on the globe. They established themselves where they now dwell at about the time of the building of Rome, as that is about the period of time that Shalmannezzar, the King of Assyria, carried them away beyond the river Euphrates, and they took this counsel among themselves, as we are informed by the prophet Ezra, or Esaras, that they would leave the multitude of the heathen and go into a country where mankind had never settled, so that there they might keep their own laws and live exclusively by themselves. They procured suitable boats, entered into the Euphrates by the narrow mouths, and into the Persian Gulf, and; coasting the Indian ocean, proceeded on and passed further to India; for the Almighty held still the flood until they were clear passed over, and at Quantong, which was then a howling wilderness, filled with beasts and birds, and lakes and rivers, filled with fish. This long voyage took them one year and a half to accomplish.

All Eastern Asia was at that time uninhabited, and was the same as North America was when first discovered, a rank wilderness. Here they settled, many thousands of miles from all other nations.—They were not contaminated with the heathen, and they have prospered more than any other nation and constitute nearly half the people of the globe; as the Scriptures say: "Who can count the dust of Jacob or number the fourth part of Israel"—for he must count the hundreds of millions of Chinese first. They have the idolatrous worship now that they had in Samaria; but now, as at Samaria, they have wise men who have never bowed the knee to Baal. They have always had idols since they have settled in China—They have set the best example of all nations to shun war and live in peace with all nations, which is the secret of prosperity and statesmanship. Europe is indebted to them for the example and has for the last hundred years been following in the pathway of peaceful industry and manufacture. Europe and the world are indebted to China for the knowledge of all the most important discoveries and manufactures in the world. Cotton, silks, satins and most other manufactures came from China, passed through India and Persia west to the Mediterranean. Furthermore, all nations are indebted to China for their civilization. The Greeks and Romans have faded from the earth some thousands of years, while from her superior statesmanship China has survived them all, having a living civilization which Greece and Rome never had. China, which is incontestably the land of the long lost ten tribes, stands at the head of all civilized nations, except in one thing, and that is Christianity. Their superior civilization over Europe is shown by their free religion, having no State religion, as the barbarous nations of Europe always have had, and it is more than likely that the morals of the Chinese are better than those of Europe, which is Christianity in reality and much better than religion, which has never yet been defined, and probably never will be.

When the King of the Jews, Jesus Christ, was born at Jerusalem, wise men came from the East saying: "Where is he that is born King of the Jews, for we have seen his star in the East and are come to worship him?" Thus wise and good men have always been in China.—They are the majority of Israel, and a well-informed Chinaman will tell you that he marched with Moses from Egypt. The "foolish Church" has always taught that the wise men of the East were of Babylon, whom they call Magi, who were nothing but fortune-tellers, and were heathen temple priests or gypsies.

Thus God appeared as a star in China to wise men, and being Israelites and not heathens, they knew God and responded, and followed the star, traveling thousands of miles till they came where the King was, whom they acknowledged and gave presents. In China, men are found who have acknowledged Christ as their King. England has had her eye on China to rob and plunder her as she has the East Indies, but it is understood that Russia and America are determined that she shall not, as the robbery of China would be the robbery of the world and an everlasting disgrace to mankind.

In short, indubitable evidence shows that China is the country of the lost ten tribes of Israel, but there are no clergymen in this country nor in Europe who have the candor to acknowledge the fact.

Terrible Scene in a Menagerie.

A travelling menagerie situated at one end of a fair held in the neighborhood of Orleans, France, suddenly disappeared in the night time, leaving no trace behind.—The cause was afterwards ascertained to be as follows:

The wife of the proprietor, who was nursing a little girl of five months old, was summoned into the menagerie by one of the attendants, at about four in the preceding afternoon, to give directions about the service. In passing along outside the cages where the animals were confined, her dress swept the bars of one which contained a lion, the ferocious instincts of which had been excited by the smell of raw meat, just brought in for feeding time, and lying at hand. The animal caught the gown with one paw, and as the woman turned suddenly round, snatched with the other the child out of her arms and dragged it within the cage. The poor mother filled the air with her cries, and even struggled to disengage the infant from the jaws of the beast, but all in vain, and when assistance arrived the child had been already half devoured. The horror of the husband, who came in soon after, was mingled with rage, and seizing a gun he shot the lion dead on the spot. Immediately after, orders for instant departure were issued.

The Homestead and Personal Property Exemption Declared Compatible with the Constitution of the United States, and therefore Valid.

Opinion of the Superior Court, in the case of Hill vs. Kessler, from Rowan County, delivered by Judge Reade—Dissenting Opinion of Chief Justice Pearson.

Judge READE delivered the following Opinion of the Court, all the Judges concurring except Chief Justice Pearson.

The question involved in this case is whether the provision in our State Constitution exempting certain property from execution sale, impairs the obligation of pre-existing contracts.

The provision in the Constitution is as follows:

"ART. X, SEC. 1. The personal property of any resident of this State to the value of five hundred dollars, to be selected by such resident, shall be, and is hereby exempted from sale under execution or other final process of any Court issued for the collection of any debt.

SEC. 2. Every Homestead and the dwelling and buildings used therewith, not exceeding in value one thousand dollars, to be selected by the owner thereof, &c., shall be also exempted."

There has been suitable legislation to carry out said provision.

We concede that if this exemption impairs the obligation of contracts, either expressly or by implication, it is against the Constitution of the United States, and therefore void.

The obligation of a contract is the duty of its performance according to the terms thereof. Any act which alters its terms or enables either party without the consent of the other, to alter or evade its terms, impairs its obligation and is therefore, void. A promises to pay to B $100 on a given day. An act requiring him to pay a day earlier, or allowing him to pay a day later, would alter the terms as to time and impair the contract. So an act requiring him to pay $101, or allowing him to discharge the debt with $99 would alter the terms as to the amount, &c.

We concede, also, that a contract must be understood to be made with reference to existing laws for its enforcement. And if, at the time of the contract, there are laws in existence for its enforcement, it is the same as if the State were to say to the parties, there are now, and so there shall continue to be, laws to enable each party to enforce the contract. And after such assurance, if the State, abolish or injuriously change the remedy, it would be violative of the Constitution of the United States, and therefore void.

The contract in this case was made before the constitutional exemption, and, therefore, when the debtor agreed to pay the creditor a certain sum, we are to inquire what was the remedy for the enforcement of that contract?

It was to sue him, get judgment, issue *fi. fa.*, levy upon and sell such property as he might have subject to execution. Observe, not levy upon and sell any particular property, or all he might have; but only such as might be *subject to execution*. What is his remedy now under the new Exemption Law? It is, to sue him, get judgment, issue execution, levy upon and sell such property as he has subject to execution. What is the difference in the remedy then and now? There is not only no injurious alteration, but there is no alteration at all, so far as the proceedings are concerned.

[illegible] the case that, when a creditor got his judgment he had two remedies; one the levy upon and sale of property and the other the imprisonment of the debtor.—The Legislature abolished the remedy by imprisonment, which often brought the money, when nothing else would, leaving only the remedy against the property.—and then it was contended that the abolishment of the remedy of imprisonment impaired the contract. But the courts, in repeated cases, decided otherwise. The true import of the law being, not that the parties should have any particular or specific remedy, but a substantial and convenient one. In what way does the Constitutional exemption alter or impair the contract which these parties made? How is the remedy changed? What was the law at the time of the contract, and which became a part of it? Was it that all or any portion of the property, which the debtor had at the time of the contract, should be liable to execution sale? Was that the creditor's security for his debt? Certainly not. The contract was personal and was a lien upon nothing. Else how would it be if the debtor had no property? Or if he had any, how would it be if he should sell it? Or, how would it be with property acquired after the contract? Or how if a subsequent and more vigilant creditor should get ahead, and take the whole in execution? Or in case of the debtor's death, how would the widow get dower or a year's provision? Or how, would funeral expenses have the preference over all other debts? These considerations make it plain, that no such element enters into the contract, as that any particular property which the debtor has at the time of the contract, or which he may subsequently acquire, shall be liable to execution sale; or that any particular remedy is guaranteed. The guaranty is, that the contract shall never be altered by law, and and that there shall be a remedy to enforce it. And the contract is made, not only with reference to the remedy existing, but also to such reasonable changes, as the interests of society require, and the State may think proper to make.

Against this view, it is contended, that there are express decisions to the contrary. If there be such by the Courts of our sister States, they are entitled to respectful, and if by the Supreme Court of the United States or by our own Court, they are entitled to the highest consideration.

The cases most pressed upon our attention in favor of the creditor are Bronson vs. Kinzie, 1 Howard 311, and McCracken vs. Haywood, 2 Howard 668, both decided by the Supreme Court of the United States. Bronson vs. Kinzie, was a case where it was provided in a mortgage deed, that if the money secured was not paid at a given time, the mortgagee might enter and sell; and the Legislature of Illinois passed an act to the effect that the mortgagee should not enter and sell, as the contract said he might, but that he might enter and sell, upon certain conditions, not specified in the contract. This was clearly an alteration of the contract and impaired its obligation. *It changed the contract of the parties.* But how is the contract changed in our case? Not at all.—It stands word for word, as the parties made it. And so too, the remedy, as we have seen, stands word for word.

The other case, McCracken vs. Haywood, arose under an act of the Legislature, which allowed the contract to stand and the remedy to stand, except that it provided, that when the property levied on should be offered for sale, it should not be sold unless it brought two thirds of its appraised value. The property was offered for sale and would not bring the price. What, then, was the Court to do? The act applied to all the property the debtor had, and to all he might ever acquire. So, that whether he had much or little property, it could not be sold, and by no possible means could the creditor make his money. Clearly here was a deprivation of all remedy. But how is it in our case? The exemption does not cover all, but only *so much* of the debtor's property, and does not exempt his future acquisitions. It does not clog the execution sale, with unusual terms, which was the ground upon which McCracken and Haywood was decided, but leaves it unembarrased. And if it should happen, as in our case, that all the debtor's property falls under the execution, it was not within the purview of the Constitution that it should, but is only the "*accident*" of the debtor's property, and does not affect the law. In the case of McCracken vs. Haywood, the Court ordered the property to be sold for what it would bring, as the *only* remedy left to the creditor. Our attention was called also to an elaborate opinion of Judge Carpenter, of the Circuit Court of South Carolina, Purcell vs. Whaley, reported in the newspapers, declaring the exemption laws of South Carolina, which are substantially the same as ours, unconstitutional and void. The authorities relied on by the learned Judge were among others of less importance, the aforesaid cases of Bronson vs. Kinzie and McCracken vs. Haywood, and we have seen they do not sustain him.

Another case cited by him and directly in point for him, is Dank vs. Quackenbush, 3 Denio 594, decided first by the Supreme Court and then by the Court of Appeals of New York. But the attention of the learned Judge was not called to the fact, that, in that case, the Judges in the Court of Appeals were equally divided, and, therefore, the decision in the Court below stood; nor to the more important fact, that, in a subsequent case in 1854, in the same Court, Morse vs. Gould, 1 Kernan 281, the case of Dank vs. Quackenbush was received and overruled. Again, the case before Judge Carpenter did not involve the point whether the Exemption Laws impaired the obligation of contracts, and, therefore, his opinion upon that question is only *dictum*. He states the principles involved as follows: "The judgment was by law a vested right, a lien, a contract. Had the State the Constitutional power to divest the plaintiff of his rights, and vest them in the defendant? Upon the principles involved in the case, there is no difference between liens by mortgage, and by judgment, the former are specific, the latter general; but both are vested, legal rights," &c. It will be seen, therefore that the question involved was not that of impairing the obligation of contracts, under the Constitution of the United States; but of destroying liens and invading vested rights, under the Constitution of South Carolina. There is nothing, therefore, in that decision against any position, but the *dictum* of the learned Judges; for it is not pretended that in our case, there was any lien or vested right, we are not, therefore, interested to inquire, whether the learned Judge's decision, that "liens" and "vested rights" cannot be abolished by a State Convention in framing their organic law.

Our attention was called also to a decision of Judge Orr, of the Circuit Court of South Carolina, reported in the newspapers, sustaining the South Carolina Exemption Laws.

We are not aware of a single decision except as before stated, either in the Courts of our sister States, or of the United States, in which general exemption laws have been held to be an infringement of the Constitution of the United States. There being no decision against them, let us see if there are any in their favor.

The Legislature of New York, in 1842, passed an act exempting from execution, —in addition to former exemptions— "necessary household furniture, working tools and team, not exceeding $150 in value." The creditor obtained a judgment upon a debt existing before the act, and levied on the debtor's team, a pair of horses. And the question was, whether the exemption was good against pre-existing debts.—The opinion of the Court was elaborate and able, that the exemption was good, Morse vs. Gould, *supra*. The opinion is the more important as it revived and overruled a former case in the same Court, Dank vs. Quackenbush, cited by Judge Carpenter.

It also revived the cases of Bronson vs. Kinzie, and McCrackin vs. Haywood, and indeed all the cases bearing on the subject, and distinguished them from that, as we have from this. In a late case in 9 Wisconsin, 559, Baumbach vs. Bade, the case of Morse vs. Gould, *supra*, is revived and approved. And in Bronson vs. Kinzie, Taney, C. J. says: "A State Legislature may, if it think proper, direct that the necessary implements of agriculture, or the tools of a mechanic, or articles of necessity in household furniture, shall, like wearing apparel, not be liable to execution on judgments; and regulations of this kind have always been considered in every civilized community as properly belonging to the remedy, to be exercised or not by every sovereignty, according to its own views of policy, or humanity. It must reside in every State, to enable it to secure its citizens from unjust and harassing litigation, and to protect them in those pursuits, which are necessary to the existence and well being of every community."

And in a subsequent case, Planter's Bank vs. Sharp, 6, Howard 301, Mr. Justice Woodbury in delivering the opinion of the Supreme Court of the United States enumerated exemption laws, among the examples of legislation, which might be Constitutionally applied to existing contracts. And in Biglow vs. Pritchard 21 Pickering, the Supreme Court of Massachusetts decided that the Legislature might lawfully diminish the creditor's remedy to enforce judgment, by exempting a part of the property of the debtor from attachment on mesne process, or levy of execution, for example, articles of furniture, bed and bedding, &c., necessary for a debtor and his family. And in Morse vs Gould, *supra*, it is said that general exemption laws are valid, "though a case might happen, possibly, where the exempt property would constitute all that the debtor possessed." And in a late case, Stephenson vs. Osborne, 41, Miss. 119, reported in the April number of the American Law Review p. 476, the Supreme Court of Mississippi decided that the Mississippi exemption law "was Constitutional as to contracts existing at the time of its passage." We have a decision of our own Court directly in point. In Dean vs. King, 13 Ire. 20, the Court decides, Ruffin, C. J., delivering the opinion, that an exemption of "a mare and five hogs," under the act of 1848, was good against a debt contracted in 1846.

The case of Dean vs. King was this:—The exemption laws of 1844 applied to debts contracted after 1st July, 1845, and it was insisted that the debt in that case was *contracted* before 1st July, 1845, although the bond for the contract was not executed until 1846. The Court said the exemption was not made under the law of 1844, because "a mare" was not embraced in that law, but it was made under the act of 1848, and that it was valid. It is true that it does not appear that it was objected, that the exemption act of 1848 could not apply retrospectively, but it could not have escaped the attention of the Court, nor of two eminent counsel who argued the case, that an exemption law of 1848, applied to a debt of 1846, did operate retrospectively as to the debt affected by it.

We have, too, our Legislative construction, and the practice of our courts under it, for the last twenty years. The Revised Code, adopted in 1836, makes the exemption of: "one cow and calf, ten barrels of corn or wheat, fifty pounds of bacon, beef or pork, or one barrel of fish, all necessary farming tools for one laborer, one bed, bedstead and [illegible] for every two members of the family, [illegible] other property as the freeholders may deem necessary for the comfort and support of such debtor's family; such other property not to exceed fifty dollars," apply to all debts contracted since 1st July, 1845. It is true that, by the act of 1844, some of these articles were exempted, but the bulk of them were not embraced in any exemption act until 1848, and yet they were made to apply to debts as far back as 1st July, 1845.

So in 1866-67 our Legislature passed an act exempting: "All necessary farming and mechanical tools, one work horse, one yoke of oxen, one cart or wagon, one milch cow and calf, fifteen head of hogs, five hundred pounds of pork or bacon, fifty bushels of corn, twenty bushels of wheat, and household and kitchen furniture, not exceeding $200 in value."

And this was not restricted to subsequent contracts, which is the more significant, as by the same act a Homestead of one hundred acres without regard to value, was restricted to subsequent debts. So that exemptions applying to antecedent debts have had the sanction of our Legislature and of this Court, and of the practice of all the Courts, for the last twenty years. But then it is said that while that may have been so in regard to *necessaries*, yet our exemptions are too large, they are not necessaries. If it be conceded that the Legislature has power to exempt any thing as to existing debts, then what are necessaries is a question for the Legislature and not for the Court. But our exemption laws heretofore, have not been restricted to mere necessaries, but have looked to the "comfort and support of the debtor's family." [illegible] *Supra.* And the exemptions have been repeatedly and considerably increased, to keep pace with the change of manners and customs and the condition of our people. It will readily appear that the late exemptions of personal property, in many instances, might greatly have exceeded $500. If the Legislature can exempt personal property, it is not pretended that it may not in like manner exempt real estate—a homestead.

It is objected that the Homestead law ought not to be construed to operate retrospectively. We admit that this is the general rule of construction; with an exception, however, in favor of remedial, and as sometimes called beneficial laws.—All our laws in regard to remedies and procedure, have been lately altered by the new Code of Civil Procedure, and made to act restrospectively. No debt, no matter when contracted, can be sued for and recovered now as before the Code.—Even the Courts themselves have been changed.

By the act of 1808, a summary remedy, by motion for judment on ten days notice was given against Sheriffs for collecting money and failing to pay over. A motion was made against a Sheriff for an antecedent liability. It was objected that the act did not operate retrospectively. But this Court held the contrary, saying that, "when an act takes away from a citizen a *vested right*, its constitutionality may be inquired into; but when it alters the remedy or mode of proceeding as to rights previously vested, it certainly runs in a constitutional channel. These acts are beneficial and should be favorably construed. Oats vs. Darden, 1 Murphy 501.

So a State Legislature may discharge a party from imprisonment upon a judgment in a civil action, without infringing the Constitution; for this is but a modification of the remedy, 3 Story on the Con. 251, Mason vs. Haile, 12 Wheaton, R. 357.

A Statute changing the rules of evidence may be applied to pending suits.—Cooly Con. L. 381.

So a statutory privilege is not a vested right, as exemptions of persons or property from taxation; or exemptions of property from being seized by attachment, or execution, Id. 383.

So Homesteads, or other property which are now exempt under the Constitution might be made liable by a subsequent Convention, Id. N.

If, therefore, the homestead laws were not retrospective in *terms*, yet, as they are remedial, beneficial laws, interfering with no vested rights, and are a part of the fundamental law of the land, they ought to be liberally construed in favor of the person to be benefited. But we think they do not depend upon *construction*.—The plain words are that they shall apply to "any debts"—all debts. And it is only by construction, and we think an erroneous construction, that they can be restricted to any particular class of debts.

But, really, the homestead and exemption laws, although affecting antecedent debts, are not retrospective in the proper sense of that term. What would be a prospective homestead law? Evidently that which should allow a homestead *to be*

laid off hereafter. What, as contra-distinguished from that, would be a retrospective homestead law? Evidently that which makes valid a homestead which *has been laid off heretofore*. The great error is in supposing that the homestead law is a law to defeat debts. That is no part of the object of the law. The laying off a homestead is the sole object and is prospective altogether. If any debt is affected by it, it is merely incidental. It may be conceded therefore, without affecting the homestead, that any law, the purpose of which is to defeat a debt, is void. But the Homestead law declares its object upon its face to be, not to defeat debts, but to allow to every resident of the State, "and his children" and his "widow" a home, and the means of living, if they have them. It is a question, not of defeating debts, but in the language of Chief Justice Taney, "it is a question, not of policy and humanity, which every civilized community regulates for itself."

Its wisdom or folly, justice or injustice, is a question for the law-making power, and not for the Courts. In our case, the law has the sanction of the Convention and of the Legislature, and, of the direct vote of the people in adopting the Constitution, and of the Congress of the United States which approved the Constitution. And, as it is not in contravention of the Constitution of the United States, it would be an assumption of extraordinary power for us to declare it void.

With the policy of these exemptions this Court has nothing to do. If they are within the power of the Legislature then it is sufficient for us that, "thus it is written."

We have not thought it necessary to notice the suggestion, that in as much as the sale of lands under execution is by Statute, so it may be exempted by Statute.

No question arises in this case as to the interference with vested rights under our State Constitution, because the exemption is a provision in the Constitution itself.—The only question is, whether it impairs the obligation of contracts, under the Constitution of the United States. We think it does not. Jacob *vs.* Smallwood, 63, N. C. R. This will be certified, &c. Judgment reversed. READE, J.

Dissenting Opinion Delivered by Chief Justice Pearson upon the Constitutionality of the Homestead Law, in the case of Hill vs. Kesler.

The express prohibition of *ex post facto* laws is confined to criminal offences, but the broad principle of justice on which it rests, extends as well to civil rights, and it is a settled rule of construction, that a retrospective effect is never to be given to a law, unless the words used admit of no other meaning, and show beyond question, that past transactions are within its operation; "general and vague words have never been allowed to have that effect.—Broom's Legal Maxims, 41.

In our case, the words in the Constitution are, "shall be exempt from sale under execution for any debt." Very comprehensive, but at the same time very indefinite. The statutes carrying out this Ordinance, adopt the same words without explanation; giving to them the meaning of "any debt" hereafter contracted, there is no injustice, for people will know who is to be trusted, giving to them the meaning of any debt, as well debts heretofore as debts hereafter contracted, there is gross injustice and a violation, not only of the ordinary notions of honesty, but of a fixed principle of the common law, reaffirmed by statute law, 13 Eliz.: "all gifts or voluntary conveyances of his property by a debtor are void as against existing creditors," on the ground of *fraud*. I hesitate to give to these indefinite words a construction, which imputes to the law makers a fraud in this; it makes a gift or voluntary conveyance to the debtor himself, in fraud of existing creditors; of property, on the faith of which he received credit, and of which he cannot, by law, make a voluntary conveyance to another. Courts are to be governed, not by what the draftsman of a law is supposed to have meant, but by what the words used mean, according to the settled rules of construction. This maxim should especially be adhered to, when the law is submitted to a vote of the people, for it is not decent to suppose that indefinite words were used that some might vote for it, giving one meaning and others another.

II. "No State shall pass any law impairing the obligation of contracts." These comprehensive words are not confined to a prohibition against altering the terms of a contract; but also forbid impairing its *obligation*. What is the obligation of a contract? The means of compelling performance, according to the laws in force, at the time the contract is made; by these laws the parties agree to abide, by these laws their rights are fixed. This is the obligation which must not be impaired by a State, whether acting in Convention or in General Assembly.

We are told "There are now, and so there will continue to be, laws to enable each party to enforce the contract, and after such assurance, if the State abolish or injuriously change the remedy, it would be violative of the Constitution of the U. S., therefore void."

In this I fully concur, and the question is, not confusing the subject with a multitude of cases, or with many words, does or does not the "Homestead Exemption" of $500 personal property and $1,000 value of land, injuriously change the remedy and alter the laws in force at the time the contract was made? In other words, is not the *obligation* of this contract impaired by the Homestead Exemption?

It is set out in the record, that besides the property exempted, this debtor has nothing; so the contract cannot be enforced and its obligation is *destroyed*, not simply impaired.

It is said, "the remedy is not at all changed, for the creditor can take judgment and issue a writ of *fieri facias*, just as he could have done when the contract was made." All this is very true, and it is equally true, that in nine cases out of ten, the Sheriff will return on the *fieri facias* "nothing found, except property exempted by homestead law." This is the shadow, but not the substance. The creditor trusted to the property which the debtor had at the time of the contract, as the means of enforcing it, and to the law by which a voluntary conveyance is declared fraudulent and void; that was the obligation; the thing that binds. And yet it is held, as I think, under the unconscious bias of pressing circumstances, "that a law which bestows this property on the debtor, to the injury of existing creditors, does not impair the obligation of contracts."

It was urged on the argument; By the common law, wearing apparel, arms for muster, tools of a tradesman, and a bed and furniture, are exempted, (these articles were not looked to and were not included in the obligation,) then by statute, certain other articles, i. e. Bible, Hymn Book and School Books, and finally a horse, not to exceed in all, the value of $200 were exempted. Now, because creditors did not choose to make a point about these small matters, that is relied on, as fixing the power of the General Assembly to make exemptions against existing debts, and the power being thus established, the extent of its exercise is a matter of legislative discretion: "give an inch and take an ell." First, assume the power to exempt a bible, hymn book, and school books—then a horse may be added, then $200 worth of property, then $500, then $1500, including land, then $5,000, and then exempt everything, for there is no limit save legislative discretion. Indeed the statute under consideration I believe exempts everything owned by debtors in nine cases out of ten.

In reply to the argument drawn from legislative sanction, one fact counterbalanced the whole. In 1822 the Legislature deemed it wise to modify the law of imprisonment for debt, as an obligation of contracts; after full discussion the act provides, "any person arrested under a *capias ad satisfaciendum* for any debt, contracted after the 1st *day of May next*, may give bond to appear," and shall not be confined in jail, as before.

I am aware, that in several of the States, decisions have been made, sustaining homestead laws. These cases all rest on the fallacy of assuming the power to make exemptions to some extent and then on the idea of legislative discretion, the amount is swelled up to thousands; and it is justified on the ground of "keeping pace with the progress of the age," a progress, in this particular, I fear of dishonesty and fraud. I choose to rely on the cases in our own Court, Jones *vs.* Crittenden 1 Car Law Rep. 385. Barnes *vs.* Barnes 8, Jones 366.

SUPREME COURT.

In the Case of the University Railroad Company vs. W. W. Holden---Opinions by Chief Justice Pearson and Judge Reade---Bonds for Building New Railroads Declared Unconstitutional.

Mandamus dismissed. Power of taxation discussed. Held that the equation in Art. I, Sec. 5, does not apply to the old debt, or to debts contracted in aid of *unfinished roads*. No power to build *new* roads without submitting the question to the people. No limit to power of Counties to levy taxes for necessary expenses, designated in Art. 7, Sec. 2, provided they obtain special law of the General Assembly, and they need not be submitted to a vote of the people.

OPINION OF CHIEF JUSTICE PEARSON.

I. I incline to the opinion that the act entitled "An act to incorporate the University Railroad Company," does not have, in law, the effect to create a corporation. To give legal effect to a grant, there must be a grantor, a grantee and a thing granted. Here we have a grantor, the General Assembly; a thing granted, corporate powers and franchises "to the same extent as are possessed by the North Carolina Railroad Company;" but there is no grantee—no person, persons, or body politic to whom the grant is made. If this be so, it would seem to follow, that the directors who are to manage the affairs of said "University Railroad Company;" (there being in contemplation of law, no company) cannot have such rights as are to be enforced by the writ of *mandamus*.

II. In my opinion, by the proper construction of art. 5, sec. 5, of the Constitution, the General Assembly has no power to contract a debt to build a *new* Railroad, unless the subject be submitted to a vote of the people. It is decided [Galloway vs. Jenkins 63, N. C., rep., 147] the General Assembly has no power to contract a debt, without a vote of the people *to aid* in the construction of a new railroad. If the General Assembly has no power to contract a debt, for the purpose of building a new railroad, with the assistance of contributions by individuals, county subscriptions and subscriptions by other railroads, it would seem it cannot have power to contract a debt, for the purpose of making a new railroad out and out. A prohibition not to contract a lesser, surely amounts to a prohibition not to contract a greater debt for the same object. The evil which the Constitution seeks to prevent, is not that of giving aid to individuals or corporations in the construction of railroads; but the evil is, that of contracting *new* debts on the part of the State, the existing debt being almost too heavy to bear, and the credit of the State tottering under the load. A construction by which new debts may be contracted on a larger scale than one expressly prohibited, is not admissible upon any principle of law. As this is a deduction from Galloway vs. Jenkins, in which the Court was divided, I will put my conclusion, also, on the construction of all the provisions of Article 5.

III. The act under consideration is in violation of the Constitution in this: the tax levied by it disturbs the proportion, which, by the Constitution, capitation tax must bear to the tax on the value of property, to-wit: "*The tax on a poll shall be equal to the tax on three hundred dollars worth of property.*" Here we have the proportion. Then follows a provision: "The State and County taxes combined, shall never exceed *two dollars on the head*," and the necessary effect is, that the State and County tax on the value of property shall never exceed two dollars on three hundred dollars worth of property; and the effect also, is, that if the tax on the poll is less than two dollars, then the tax on three hundred dollars worth of property must be less in the same ratio. In other words, the tax on the poll is the "*standard*" by which the tax on property is to be levied.

Under two dollars, the power to levy a poll tax for State purposes is unlimited: *this interest* needed no protection, for it has a full representation in the General Assembly.

Counties are protected by Sec. 7, which provides "taxes levied for county purposes shall be levied in like manner with the State taxes, and shall never exceed double of the State tax, except for a special purpose and with the special approval of the General Assembly.

Cities, towns and *townships* are protected [Art. 7, Sec. 7,] which provides, "no debt shall be contracted, nor shall any tax be levied except for necessary expenses, unless by a vote of a majority of the qualified voters therein."

The only remaining interest is that of *property holders* in respect to State and County taxes. This interest is protected by the equation fixed between capitation tax and tax on property. A statute which disturbs this equation breaks down the safeguard thrown around property by the Constitution. It can be done to the extent of one-hundredth of one per cent., it may be done to the extent of one tenth, and there is no limit.

It was urged on the argument, this equation applies only to taxes levied for current expenses of the State and Counties, and has no reference to taxation, necessary to pay the interest of the public debt, or the tax to be levied to pay the interest of any new debt.

1st. I agree that, if under this equation carried to its limit, the amount is not enough to meet current expenses, and also to pay the interest on the public debt, then for the excess needed it is not only within the power, but it is the duty of the General Assembly to disregard the equation; for this protection to property must be taken to be subject to the injunction, "to maintain the honor and good faith of the State, untarnished, in regard to the public debt," [Art. 1, sec. 6,] and by sec. 4 of the article under consideration, it is ordained, "The General Assembly shall by *appropriate legislation and adequate taxation*, provide for the payment of the interest on the public debt, and after 1880 it shall lay a specific annual tax, as a sinking fund, to discharge the principal." I do not adopt the extreme position taken by Mr. Haywood, that by a *specific* tax is meant a tax on land by the acre or on horses and cattle by the head. It is enough to admit, that this tax is to be independent of the equation; as in sec. 7, a tax for special county purposes, with the special approval of the General Assembly, may be levied without reference to the equation.

2. But I do not agree to the position, that that the tax required by sec. 5, to be levied to pay the interest on any new debt, is not subject to the equation; and that the power to tax property in reference to *new debts is unlimited*, save by the discretion of the General Assembly. There is nothing, as we have seen in the case in regard to taxation to meet the interest and principal of the existing debt, to take this taxation out of the equation. Its being called a *special* tax cannot have that effect; for sec. 8 requires that every act, shall state the special object to which the tax is to be applied. On the contrary, it is included in the equation by every rule of construction.

This fixed equation between poll tax and property tax, gives significance to the proviso in the first clause, section 5, "No new debt shall be contracted in behalf of the State, *unless in the same bill a special tax* is levied to pay the *interest annually*.

If the purpose was simply to keep up the price of State bonds, this would amount to but little—such a tax is very easily put in a bill—but consider the purpose to be to restrain the power of taxation in regard to property by reference to the equation before fixed, so that the special tax on property cannot be levied, without making a corresponding increase in the capitation tax, and this proviso amounts to a very important practical limitation, on the power to tax property, and must have a very decided effect in checking a disposition to contract new debts.

And the exception in regard to "supplying a casual deficit," and for "suppressing insurrection or invasion," in which cases the equation may be disregarded, speaks volumes, and shows that more was intended, in requiring a tax to be levied in the *same bill*, than simply to put the draftsman to the task of adding a clause to the bill. It is only in exigencies that this safeguard to property is not to be observed.

Except out of the operation of sec. 1, the taxation that may be "appropriate and adequate" to meet the interest and principal of the existing debt; except also out of its operation the taxation necessary to meet the interest and principal of such new debts as shall be contracted in behalf of the State, and the effect will be to emasculate the section and fritter it away to nothing. Only current expenses are left for it to operate on; and these expenses may be met by the tax on trades, professions, franchises and incomes (sec. 3) which are not embraced by the equation. So by the construction contended for, this supposed protection to property holders, is made void and illusory, and after all amounts to nothing.

On the argument, it was also urged: the bill levying this tax on property, to pay the interest of the debt to be contracted for the University Railroad, was passed several days *before* the bill called "the Revenue Act," which fixes the capitation tax at 1.05 cents on the head, and the property tax at 35 cents on the $100 worth, observing the equation of taxation; and if this equation must be adhered to, the effect will be, either to nullify all the taxation of the session, or to displace *pro tanto* a part of the tax on property in the revenue bill in order to make room for the tax on the University bill "*prior est in tempore*," &c.

I do not concur in either of the conclusions. All the bills of the same session, are to be taken together. The revenue bill being in exact concordance with the Constitution, must take effect, and it specially appropriates the amount to be raised under it, to the annual expenses of the State government, and to the payment of the interest of the public debt. So the scope of the legislation is: If the General Assembly has power to lay a tax to pay the interest on the debt for the University R. R. without being limited by the equation, then the tax is to be levied. Otherwise it will fail as being levied *ultra vires*, and the General Assembly assumes an unlimited power of taxation.

Several cases were supposed in the argument, but they all involved the fallacy, that the General Assembly and County Commissioners have an independent power to tax property to the extent of 66⅔ cents on the $100 value, whereas, there is no such power, and the right to tax property depends on the capitation tax. Both must be exercised jointly, in order to preserve the equation of taxation.

Order in the Court below reversed and *mandamus* dismissed.

PEARSON, C. J.

OPINION OF JUSTICE READE.

I agree with the Chief Justice, that no corporation is created by the act, and, therefore, the mandamus must be dismissed.

I do not agree with him and my learned brothers, Rodman and Dick, that the Legislature has no power to contract a debt to build a new Railroad without the vote of the people; but I do agree that the Legislature has no power to *give* or *lend* its aid *to others* to build a new Railroad without the vote of the people. In so far as the questions discussed in this case are involved in the case of Galloway *vs.* Jenkins, (63 N. C. R.) I feel myself bound by that decision, although I did not concur in it. But I am wholly unable to comprehend how it follows, that because the State cannot *lend* its aid to others to build a Railroad for *their benefit*, that, therefore, it cannot build a Railroad out and out for *its own benefit!* If the Constitution forbade the Legislature to lend the aid of the State to New York to build a State House or Penitentiary for New York, would it be supposed, that, therefore, the Legislature could not build a State House or Penitentiary "out and out," for North Carolina? Or would it be supposed that this view was answered by the argument, that the greater includes the less, and if it cannot build a road with the aid of others, it cannot build one without such aid? It is said that the object was to prevent the Legislature from contracting new debts. And yet it is admitted that it may contract new debts for other purposes than Railroads. If the object was to keep the State from going in debt, why not keep it from going in debt for *other* purposes? "If a farmer has a field requiring a fence on three sides, would it do any good to fence it on only two sides?" But I will not pursue the matter further. And I purposely refrain from approving, or disapproving the internal improvement policy; because it is not a Judge's province to do so. I only seek to expound what has been done by the Constitution and by the Legislature. If the law-makers have erred in matters of policy, the remedy is with the people.

My construction of the taxing power of the Legislature under the Constitution is as follows:

1. The first object of the Convention in the 5th Art. of the Constitution, was to provide for the ordinary and current expenses of the government. That is done in sections 1, 2 and 3. And for that purpose the tax is limited to $2 on the poll, and the same amount on $300 worth of property, and equation must be observed. This was thought to be sufficient for the ordinary and economical administration of the government.

2. We had a considerable public debt, and, after providing for current expenses, the next consideration was, how is the public debt to be met? And the 4th section provides, that a special tax shall be laid for that.

In regard to the construction of the first four sections, I do not understand that there is any difference of opinion among the Judges, except it may be as to what constitutes "the public debt."

3. Taxation is not the subject of the 5th section, except incidentally. Having provided in sections 1, 2 and 3 for ordinary expenses, and in section 4 for the public debt, the next consideration was, to provide for extraordinary occasions. And for such occasions the 5th section provides, not that taxes shall be laid, but that bonds shall be issued; and, as incident to the bonds, special taxes may be laid, not to pay the bonds, but only the interest, leaving the bonds as a part of the public debt, to be provided for under section 4. The power to issue these bonds is unrestricted. From the very nature of the case it must be so. If an extraordinary and unforeseen occasion is to be met, how is it possible to limit the means unless you foreknow the occasion? If there be an insurrection, bonds must be issued to meet it; but whether a large or small amount, must depend upon whether it be a large or small insurrection, and so with any other occasion. It ought not to be supposed that a Constitution would be framed with such limitations upon the taxing power, as that the vessel of State will sail safely in fair weather to be wrecked in the first storm. We may well impute it to wisdom to provide, that ordinarily there shall be light taxes and economy in expenditures, but when any extraordinary necessity arises the whole power of the State must be unloosened to meet it. It is admitted that the counties, for special purposes and with the approval of the Legislature, may, under section 7, levy a tax without limit and without a vote of the people. It was supposed that extraordinary necessities may fall upon a county, and may not extraordinary necessities fall upon the State? It need not be inferred that either county or State taxes will be excessive, because the counties and Legislature have the *power* in extraordinary cases to make them so. Until the new Constitution, there was no restriction whatever upon the power of the Legislature to tax; and yet the taxes were never burdensome. There was supposed to be a sufficient check in the accountability of the representative to his constituents.—The restriction in our new Constitution is deemed a wise one—indeed, probably, by the new order of things, and, intended to protect the non-property holder from an oppressive poll tax, and the property holder from an unequal property tax, for the ordinary purposes of the government.

I admit that the Legislature cannot give or lend anything to Railroads, which belong to others, without a vote of the people; but if any extraordinary occasion or necessity arises, the Legislature may do anything for the State which the occasion may require—may issue bonds at par without limit and without tax, and issue them below par with a special tax. For any abuse of this power the Representative is responsible to the people. All that the Court can say is, thus it is written in the Constitution. READE, J.

From the Sentinel.

STATE OF NORTH CAROLINA,

TREASURY DEPARTMENT.

Raleigh, July 22d, 1869.

To the Chairman of the Board of Commissioners of the County of ——

SIR:—The Supreme Court of the State has decided in the case of the University Railroad Company *vs.* the Governor and Treasurer, that special taxes levied to pay interest on bonds authorized to be issued for the purpose of building railroads, which were not begun and unfinished at the time of the adoption of the Constitution, are unconstitutional.

After consulting with the council of State and the Attorney General, in view of said decision, we are advised that the principle of the decision undoubtedly affect the following railroads, viz: The University Railroad, the Eastern and Western Railroad, the Edenton and Suffolk Railroad.

By Section 20 of "An act to provide for the collection of taxes by the State and by the several counties of the State, on property, polls and income," ratified March 13, 1869, the Commissioners of the Counties have power to revise tax lists, where excessive taxes are imposed. We therefore advise you to amend the tax lists of your County by striking therefrom the special taxes pronounced void by the above mentioned decision.

For the above Roads the taxes on the real and personal property of the State are as follows:

University Railroad, one-hundredth of one per cent.

Eastern and Western Railroad, one-twentieth of one per cent.

Aggregate, seventeen-two-hundredths of one per cent., or 8½ cents on the $100 value.

We think it best that this per centage should be deducted from the special taxes.

Under Section 19 of the aforesaid act it is the duty of the Commissioners to make all calculations necessary for ascertaining the amount of taxes due by each tax payer. We think it best, therefore, that the Commissioners shall make the correction above indicated. By employing several Clerks, which is no doubt best, this work can be done so speedily as to involve only a few days delay. The corrections can be entered on the lists in any convenient blank column.

After all the corrections have been made the Clerk of the Board of Commissioners must forward to the Auditor an amended abstract showing the taxes general and special due by the County to the Public Treasury.

In carrying into effect the foregoing recommendation it is not at all necessary that there shall be any delay in the collection of taxes.

The Sheriffs will be held rigidly to the accountability prescribed by law.

Very Respectfully,

D. A. JENKINS,
Public Treasurer.
H. ADAMS, Auditor.

We publish the following by request, and call the attention of those concerned to the proposed Convention:

To the Clerks of the Superior Courts throughout the State:

In view of the fact that there exists great doubt and uncertainty in regard to many of the duties pertaining to the office of Superior Court Clerks under the new laws, and as many of these doubts and difficulties might be removed or their remedy suggested by a conference and interchange of views of Clerks,

We, the undersigned, after due consideration and consultation with other Clerks upon the subject, thought it proper and necessary to invite our brother Clerks throughout the State to meet at the Court House, in Raleigh, on Tuesday the 3d day of August next, for the purpose of adopting a settled and uniform mode of keeping our records, and for the discussion and more fully understanding all the duties and responsibilities pertaining to our said offices, and we hope that every Superior Court Clerk in the State who can possibly do so will meet us, and that they will come prepared with *memoranda* of the subjects and questions in regard to which there is doubt or difficulty. It affords us much pleasure to state that W. A. Smith, Esq., President of the North Carolina Railroad has kindly consented to allow us to pass and return on said Railroad for one fare, and we trust the Presidents and Managers of the other roads in the State will give us the same generous assistance. Clerks will obtain tickets of station agents which will be issued at one fare.

The newspapers throughout the State will do the public a service by publishing this notice.

Very Respectfully,

(Signed)

S. A. Osborne, Clerk,	Mecklenburg	S. C.
W. A. White, "	Warren	" "
John A. McDonald,	Cabarrus	" "
C. L. Summers, Cl'k,	Iredell	" "
M. O. Sherrill, "	Catawba	" "
S. P. Sherrill, "	Lincoln	" "
E. A. Withers, "	Gaston	" "

Sunday Schools are being established in Russia upon the American plan. In the usefulness of these institutions, America has silently taught a lesson to entire Christendom.

Special Newspaper Advertising and General Collecting Agency for North Carolina.

WM. A. HEARNE & CO.,

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The People's Press.

SALEM, N. C.

FRIDAY, JULY 30, 1869.

A knowledge of certain portions of the North has long since satisfied us, that our region is to some extent analagous to that part of Pennsylvania, with which we have intimate acquaintance. A considerable portion of the emigrants who first settled in this part of the country, came from the Key Stone State, and, leaving out of view changes wrought to some little extent by a difference of soil, climate and product, there are still points of resemblance which can be easily traced between them, indicating whence the origin of the settlers that first found a home and introduced civilization into what had been up to that time a howling wilderness.

A few years over a century have now elapsed since the early pioneers first commenced a settlement in what was then a primeval forest. The question naturally arises—has our development been proportionate to or kept even pace with that of the region which our forefathers left behind them? All the facts are against the supposition. There is a great difference to the credit of the Pennsylvania section. We cannot close our eyes to the truth, that natural advantages, by no means, however, greatly superior to our own, had some agency in securing for them an earlier and more rapid development. A large amount must be placed to the credit of adventitious circumstances, and not at all to the greater productive capacity of their soil nor the advantages of climate. As regards the latter, we certainly have no reason to desire an exchange.

To suppose for a moment, that the whole of the arable area of that country is superior to large portions of our own, would evidence, to say the least of it, a very great degree of ignorance upon the subject. Any argument in support of it, would be the sheerest nonsense on the part of those who undertake to establish the point. Whilst we have in part a light, loose, sandy soil, not constituting, perhaps, the most desirable base for farming operations, a large portion of that region is characterized by an out crop of what is termed rotten slate, originally no doubt solid, but by long exposure to atmospheric influence, reduced to a crumbled condition. The natural growth in the slate region is scrub-oak; upon our ridges, where sand is largely in excess on the surface, it is chinquapin and black-jack. Very deep ploughing with them, will touch the not yet decomposed solid slate formation lying underneath, whilst in our soil, the loam stratum is reached, which when turned up incorporated with the sand, and intermingled with fertilizers, forms a light, loose, mellow soil, susceptible of any amount of improvement, proportioned to the quantity of the fertilizing agent, and the careful tilth of the soil.

The Pennsylvania farmer, however, like a sensible man, fell to work and by dint of effort and science and skill, succeeded in improving his soil. He adhered to that one idea, until success crowned his efforts. Our people formerly acted directly in opposition to this. Their policy seemed to be to exhaust their land, cut down the timber and then move off to a new State, Indiana or Illinois. We have no doubt that a visitor from this portion of North Carolina listening to the calls by the sheriff of Bartholomew county, in the former State, for jurors and witnesses to come into Court, or to the roll call at a regimental muster, might imagine himself in Forsyth, so frequently would the names of residents in our, or the adjoining county of Davidson be heard, represented there by one or more of the family who had emigrated West.

All of these emigrants carried their labor, their stock and more or less of capital, into the region of their adoption, enriching it, and in equal proportion draining thereby the land of their birth. This condition of things was only too well calculated to swell the tide of Western prosperity and diminish our own. We have very little fear, however, of a continued drain upon our population from this source. A knowledge of the superior advantages of our State, especially the Western portion, is rapidly extending. Its varied soil, pure air, mineral wealth and water-power, indicate in language heard in its murmuring streams, winding through its fertile valleys or magnificent stretches of forest, or among its mineral concealing hills, that the day of its redemption is nigh.

New Advertisements.

Dutcher's Lightning Fly Killer.

John A. Vogler, Agent Liverpool, London and Globe Fire Insurance Company.

Hege Bros., branch at Salem of North and South Land Agency.

John Blackburn, C. S. C., George Spaugh's plantation for sale.

TAX COLLECTION.—Circumstances beyond the control of the Sheriff, have compelled him to change the times of collecting the Taxes, as will be seen by reference to advertisement in this issue, and the new hand bills.

Snakes.

We incidentally heard mention made that a rattlesnake, carrying six rattles and a button on its caudal extremity, had come to grief at the hands of the workmen employed on Mr. A. Spaugh's house. Whence may have come, it is difficult to conjecture. This is the second instance known to us of the appearance of this species of reptile in town. The first was killed very many years since under the stone stoop of the large house north of the Post Office. If our memory serves us right, the indications in that case were, that the snake had harbored in the cellar of the building for years.

Speaking of snakes, reminds us of an incident that came under our personal knowledge, which goes to prove, that even the very vilest of created beings may be serviceable to man. Calling at a mill during last summer, we found the miller in a pet over the death of a huge blacksnake that was stretched at full length near by some one having given her the "coup de grace." The creature had harbored in the mill, the miller informed us, ever since he had taken charge of the premises. Invisible in the winter, during the summer months its constant occupation was the pursuit of the rats and mice that harbored in the nooks and crannies of the building. She was of greater service in this respect than a dozen cats could have been, as the vermin found it impossible to seek a retreat which was not accessible to their pursuer likewise. We passed on our way, impressed with this great truth, that even the vilest of creation may subserve some useful purpose.

STOCKHOLDER'S MEETING.—The Greensboro *Patriot* has the following proceedings of the Second Annual Meeting of the Stockholders of the N. W. N. C. Railroad, held at Greensboro on the 22d inst.

"E. A. Vogler was called to the Chair and L. Swaim and A. F. Pfohl appointed Secretaries.

The amended charter was accepted.

Reports were read by the President and Chief Engineer.

The location of the depot between the towns of Winston and Salem was left to the Chief Engineer.

The following gentlemen were elected directors for next year:

C. E. Shober, T. B. Keogh, D. W. C. Benbow, H. W. Fries, E. A. Vogler, D. H. Starbuck, E. Belo, R. Gray, P. A. Wilson, W. P. Henley, I. G. Lash, M. Masten. All the old officers re-elected.

[The entire old board with the addition of two new directors allowed by the amended charter."]

The Supreme Court of the State has decided in the case of the University Railroad Company vs the Governor and the Treasurer, that special taxes levied to pay interest on bonds authorized to be issued for the purpose of building railroads, which were not begun and unfinished at the time of the adoption of the Constitution are unconstitutional.

The above decision includes the following railroads, viz: The University Railroad, the Eastern and Western Railroad, the Edenton and Suffolk Railroad.

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Eastern and Western Railroad, one twentieth of one per cent.

Edenton and Suffolk Railroad, one fortieth of one per cent.

Aggregate, seventeen-two hundredths of one per cent. 8½ cents on the $100 value.

Standard.

Two other important decisions were also made,—one declaring intermarriage between whites and persons of color, unlawful and void, and the parties punishable as for adultery.

The other declaring the Homestead exemption law retrospective and running against old as well as new debts; whether in the form of choses in action, judgments and executions.

Opinions in two of the cases will be found in our columns this week, to the exclusion of other matter prepared for this issue.

THE RIVERSIDE MAGAZINE for July is to hand. It contains much interesting reading matter for the young folks. Its remarks in regard to the approaching eclipse of the Sun are useful and timely to all classes of unprofessional readers. Hurd & Houghton, N. Y, are the publishers price $2.50 a year.

For the Press.

Immigration.

The fertile and rich lands of Northwestern North Carolina, especially those along the Yadkin River and throughout the counties of Forsyth, Stokes, Surry and Davie, are coming into favorable notice.

Travelers through these counties soon become impressed with the idea that they form a beautiful part of the world, not only as respects scenery, but as a fit abode for man, comprising as they do all the natural elements in rich abundance for his physical, intellectual, social and moral development and happiness. The soil is productive and of easy tillage; all the grain crops and varieties of fruit and grain, in the latitude, are here produced in abundance; and stock growers will find an affluence of pasturage for extensive operations, and the dairy business can also be carried on to a great advantage.

These sections of country contain valuable forests of the finest and best kinds of timber, consisting of oak, ash, gum, pine, chestnut, walnut, poplar and hickory, &c.; and they also abound in ores and minerals of various kinds, with an abundance of pure spring, healthful waters, congenial climate and a hospitable people, anxious to welcome among them immigration of good citizens from the North and elsewhere.

We have mountain and valley, hill and dale, fine rivers, creeks and branches, affording superior and abundant mill power; also, coal, limestone and iron ore in great abundance, besides minerals of many kinds, and markets convenient seeking these products.

With these advantages of soil, climate, productions, and markets, and with the immense water power running to waste, the stranger naturally asks why should not Western Carolina become the manufacturing depot and workshop of the country for American genius?

These sections having been visited and approved as suitable for an extensive northern immigration. We are now glad to learn that Western Carolina is about receiving a more general introduction to Northern farmers and New England manufacturers, through the efforts of the *North and South Land Agency*, formerly the "Pioneer of New Jersey."

With an immigration fairly begun, may we not hope to see the energy, capital and skill of the North and Northeast settling among us in great numbers? The inducements certainly are great, and justify this strong hope.

We are glad to notice that the "North and South Land Agency" are preparing for an extensive business in these sections.

Hege Brothers represent the agency at Salem.

SUNDAY SCHOOL NOTICE.

We are requested to publish, that there will be a second meeting of the Superintendents, Teachers and Friends of Sunday Schools, held in the Moravian Church, in Salem, on Thursday the 12th day of August next, at 9 o'clock, A. M. All denominations are cordially invited. Ministers, Superintendents, Teachers and friends of Sunday Schools, all are welcome. The ladies are particularly urged to come. The morning meeting will be mostly a business meeting, but it is proposed to hold an afternoon session in which singing is to form a part of the exercises, and it would be well if scholars, who take part in singing, were also to attend with teachers from the various schools. Do not complain for want of time—but come and let us have a full meeting, BY THE COMMITTEE.

Salem, N. C., July 28, 1869. 2w.

NEWS OF THE WEEK.

STATE NEWS.

RAIN.—After a protracted drought, we had fine rains on Wednesday evening and at night.

His Excellency Gov. Holden has pardoned Frontis Simonton, convicted of stealing five dollars, and sentenced to six months imprisonment, at the Spring Term '69 of Iredell Superior Court. He has also pardoned Albert Happoldt, convicted of larceny at Spring Term of Rowan Superior Court and sentenced to six months imprisonment, and Henry McCanly, convicted of killing a hog and sentenced for one year.

TOBACCO SEIZURES.—The Collector of Internal Revenue at Atlanta, Ga., wrote to Commissioner Delano that he had seized a quantity of illicit tobacco from the Hobson factory in the 6th North Carolina district. The Commissioner telegraphed the fact to Supervisor Perry, and he sent a special agent from Raleigh to look up the matter. On the road to Hobson's factory he met a wagon load of manufactured tobacco from Peeble's factory, without stamps, which he seized, and then went to the factory, and finding signs of gross fraud, seized the factory with a large quantity of tobacco. He then went and seized Hobson's factory with a quantity of tobacco, both manufactured and unmanufactured.

Eight illicit distilleries have been seized in Wake county, North Carolina. About twenty are still running. The whiskey is consumed in the neighborhood of the distilleries.

GENERAL NEWS.

The mortality from sickness in the ranks of the Spanish and rebel forces in Cuba is frightful. The deaths amount to fifteen per cent. monthly of men in the field on both sides. The Spanish troops suffer most with vomito, while cholera and diarrhœa prevail among the insurgents.

A barque recently left Baltimore for Cuba with 24,000 stand of arms and a large amount of ammunition. Another expedition is being fitted out.

One Somen died recently in Poland, at the age 138. He was a soldier in 1767, and could tell the events of that time. It is stated that at the age of 80, his hair was white, and that it afterward turned brown again. He was vigorous and intelligent to the last.

The greater part of the Cuban fillibusters on Gardner's Island have been arrested and released on condition of returning to their homes. Col. Ryan and eighty men escaped.

Some of the Virginia papers say that Governor Walker has invited a number of leading men of the State, among them General Robert E. Lee, to meet him at White Sulphur Springs some time next month to consult on the political questions.

The Norfolk *Journal* says the American Fibre Company are about to establish works about five miles from that city for the manufacture of paper out of swamp reeds. They may also manufacture mats, and if they do they will employ about 1,000 hands.

THE DIRECT TAX IN THE SOUTH: Of the direct tax of twenty millions divided among the States, at an early period of the war, six millions was the quota of the South, and of this sum only three millions has been paid into the treasury. When this amount had been collected President Johnson sent a message to Congress setting forth that in view of the poverty produced in the South by the war, it would, in many instances, be ruinous to that section to enforce the collection of the tax at that time, and recommending that it be suspended, so as to allow the industrial interests of the South to recuperate. It is stated that the limit of the suspension fixed by Congress has now passed, and the law providing for the levying and collection of the tax comes into force again. It is argued by those who urge this proceeding that the industries of the South have greatly improved in the interim; that the crops are abundant, and that there is no onger any excuse for delay on the score of poverty. Whether the Secretary of the Treasury will act upon the advice tendered him in this matter remains to be seen

MARRIED.

In Winston, July 19th, by the Rev. W. W. Albea, W. T. RICKS to Mrs. C. W. FRAZER, both of Guilford county, N. C.

In Winston, July 25th, by the Rev. W. W. Albea, JOHN R. MACKEBE to Miss ANTIONETTE PRATT, both of Forsyth county, N. C.

DIED.

In this place, on the 28th inst., Mrs. CHARLOTTE ELISABETH CLINARD, consort of Mr. L. N. Clinard, aged 34 years, 10 months and 22 days.

SPECIAL NOTICE.

Dutcher's Lightning Fly-Killer!

Death to the Living! Long live the Killers!

Sold by Dealers Everywhere!

July 30th, 1869. 1m

NOTICE.

BY virtue of a decree of the Superior Court of Forsyth County, at Spring Term, 1869, I will sell to the highest bidder, at the late residence of George Spach, dec'd, on Saturday, the 28th day of August next, the valuable tract of Land on which the deceased resided, containing 177 acres more or less, about one half cleared, 12 acres of which is excellent meadow land, and about 40 acres of the woodlands are bottom, the other woods are good upland. It is in Forsyth County, adjoining J. M. Stafford, Alison Thomas and others, on both sides of South Fork Creek, well improved, good dwelling house and barn, and other necessary buildings. Well watered, excellent well and apple orchard; situated five miles south of Salem.

All persons wishing to purchase a good farm would do well to examine the premises for themselves. Persons wishing to see the lands will call on J. S. Spach, who lives near, or Simon Spach, who lives on the premises.

Terms, 12 months credit with bond and approved sureties. Sale to be at 1 o'clock, p. m.

JOHN BLACKBURN, C. S. C.

July 28, 1869. 41-tds.

NORTH AND SOUTH

LAND AGENCY.

BRANCH OFFICE SALEM, N. C.

PARTIES WISHING TO SELL THEIR Lands, will do well to place them in the hands of this Agency for sale.

Farms, Mill Properties, Iron Works, Water Powers, and valuable property of all kinds, extensively advertised throughout the Northern and Eastern States.

HEGE BROTHERS, Agent.

Salem, July 30, 1869. 41-tf

FIRE INSURANCE.

LIVERPOOL & LONDON & GLOBE INSURANCE COMPANY.

CAPITAL $17,000,000 IN GOLD.

Daily Cash Receipts, $20.000 in Gold.

AS AGENT FOR THE ABOVE COMPANY, I am prepared to insure all kinds of public and private Buildings, at reasonable rates.

JOHN A VOGLER.

Salem, N. C., July 30, 1869. 41-tf

THE MARKETS

Corrected Weekly by E. A. Vogler

Wholesale and Retail Merchant.

SALEM, N. C., July 30, 1869.

Bacon, 20 to 23 cts.
Beeswax, 37 cents
Beef, 8 to 10 cts.
Coffee. 25 to 30 cts
Cotton Yarns, $2 15 wholesale, 2 25 retail.
Cotton Sheetings. 16 to 18 cts. single yard.
Candles, tallow, 25 cents per pound.
" *adamantine*, 30 cts. "
Chickens. 15 to 20 cents.
Eggs, 10 cents per dozen
Flaxseed, $1 75 per 56 pounds.
FLOUR, $4 00 per 100 pounds.
Fruit, dried blackberries, 8 cents.
Pitted Cherries, 15 to 20 cents.
Feathers 50 cents. per lb.
Hay, 50 cents per hundred lbs.
Lard, 20 to 25 cents per lb.
Leather, Sole, 33½ to 40 cents.
Molasses, Cuba, 75 cts. per gal.
Nails, 8 cents per lb; $6 50 per keg.
Peas, 80 cents per 56 lbs.
Rags, 4 cents per lb.
Rye, 80 cents per 56 lbs.
Sugars, 15 to 20 cents.
Salt, Full weight Sacks $3 00.
WHEAT, $1 25 per 60 lbs.
Potatoes, Irish, 50 per bushel.
Sorghum, 50 cts.
Butter, 25 cents per lb.
CORN, 85
Iron. Bar, 6½ a 7. Castings, 9 a 10 per lb.
Cheese, 25 cents per pound
Oats, 40 a 50 cts per bush. Sheaf 15to20c. doz.
Powder, 15 cents by the quarter; 50 cents by the pound.
Rice, 15 cents per lb
Veal, 6 @ 8 cents per lb.
Mutton, 6 @ 7 cents. "
Homemade Vinegar, 25 @ 30 cts. per gallon.
Malt Vinegar 60 cts.

Raleigh National Bank of N. C.

MONEY MARKET.

Bank of Cape Fear,	34
" Charlotte,	10
" Clarendon,	3
" Commerce,	16
" Fayetteville,	12
" Lexington, (old,)	2
" " (new,)	2
" " payable at Graham,	25
" North Carolina,	40
" Roxboro',	55
" Thomasville,	20
" Wadesboro',	30
" Washington,	3
" Yanceyville,	3
" Wilmington,	38
Commercial Bank Wilmington,	38
Farmer's Bank of North Carolina, (old,)	34
" " " " (new,)	34
Greensboro Mutual Insurance Co.,	7
Merchant's Bank, Newbern,	60
Miner's & Planter's Bank,	40

THE PSALMIST,

A POCKET EDITION.

for sale at BLUM'S

Seed Wheat for Sale!

I HAVE A LOT OF THE WHITE

Tappahannock or Boughton Wheat

FOR SALE.

E. A. VOGLER.

Salem, N. C., July 23, 1869. 40-2w

NOTICE

IS hereby given to the tax payers of Forsyth County, that I shall attend at the following times and places for the purpose of receiving from the citizens of said county, their taxes for the year 1869:

At Sides' on Monday, August 23d, 1869.
At Hooksville School House, Tuesday, Aug. 24th.
At Old Town, on Wednesday, Aug. 25th,
At Brookstown, on Thursday, Aug. 26th
At Blackburn's School House, Friday, Aug. 27.
At Christian Sides, on Saturday, Aug. 28th.
At Widow Sarah Clinard's, Jr., Monday, Aug. 30
At Henley Old Place, on Tuesday, Aug. 31st.
At V. W. Perry's, on Wednesday Sep. 1st
At Crim's ⋈ Roads, on Thursday, Sep 2
At Hardin Hastilips', on Friday Sep 3
At Branson Beeson's, on Saturday Sep 4
At Salem, on Thursday Sep 9
At Winston, Friday and Saturday,
Sep. 10th and 11th

When and where it is hoped that all will attend and pay their taxes, as I am compelled to have them.

I hold the tax book, furnished by the Clerk to the Court of Commissioners, ready for inspection.

All persons are requested to furnish me with a list of any one that has failed to list as the law requires.

The taxes are 35 cents for State, and 25 cts. for the county on the $100 valuation. Special tax is 42 7-12 on the $100. Poll, $1.05 State, 75 cts. county:—In all, on the Poll, $1,80, and $1,02 7-12 on the $100 valuation.

July 20th, 1869. M. MASTEN, *Sheriff.*

WINSTON

MALE ACADEMY,

WINSTON, FORSYTH CO., N. C.

The fall session of this Institution will begin on the first Monday in August, and continue without interruption for 20 weeks. The Board of Trustees are glad to inform the patrons of this School that they have secured the services of ROBERT T. GRAY, a graduate of "*Bingham School*," and of the "*University of Virginia*," who will endeavor to introduce into his School the strict discipline and thorough training of those well-known Institutions.

Young men prepared for any class of college.

The subjects taught in this School are the usual studies in English, Ancient and Modern Languages, Mathematics, and the elements of Natural Science.

The following are the Rates of Tuition per session of twenty weeks.

Primary English Department,	$10
Adv'ced English " including Arithmetic	14
Ancient Languages, with higher Mathematics	18
Contingent Fee,	1

Tuition charged from time of entrance to close of session.

No deduction will be made on account of withdrawal or absence, except in cases of protracted illness.

Good board can be had in the most respectable families of the town at from $10 to $12 per month.

R. GRAY, *Sec.* JOS. MASTEN, PRESIDENT.

July 9—tf.

NOTE BOOKS,

Being a compilation of Church Music,

(as cheap as the cheapest,)

At BLUM'S:

HARMONIA SACRA,
SOUTHERN HARMONY,
CHRISTIAN HARMONY,
PRESBYTERIAN PSALMODY,
CHRISTIAN HARP.

PORT FOLIOS.

Leather and Cloth, a very convenient and safe case for Paper, Correspondence, &c.

For sale at BLUM'S.

LETTER WRITERS, DREAM BOOKS.

The Largest Assortment of

TOY BOOKS

ever offered to the public in this place.

sale by L. V. BLUM.

Scholar's Companion.

Every Scholar should have one. It contains every requisite for School use.

JUST RECEIVED

AT BLUM'S,

LADIES' WORK BOXES.
PHOTOGRAPH ALBUMS,
FANCY BIBLES,
OIL PAPER,
CRAYON PAPER,
COLORED CRAYON,
GUM CUPS.

UNIVERSITY OF

NORTH CAROLINA.

THE Fall Session of this Institution will commence on the 18th day of August, prox., and continue twenty weeks. Preparatory and Normal Departments, and a general course of University Lectures, will be opened.

Entire expense, including board, $85 to $100.

All the benefits of the Institution are offered free of charge, to a limited number of residents in the State. Apply to the President,

SOLOMON POOL.

Chapel Hill, July 6th, 1869. July 9—5w.

SEASONABLE BOOKS!

Books of Travel,

New Novels,

Poems.

Together with a full assortment of

BOOKS

FOR SUMMER READING.

CALL AT.....BLUM'S

NO OLD STOCK AT CROSLAND'S.

Fresh and Pure Articles for Sale.

RIO, Laguira, and Java *Coffee*.—Brown, Clarified, Crushed, and Granulated *Sugars*.—Green, Black and Mixed *Tea*.—Baker's Chocolate, Essence of Coffee, Sorghum, Cuba Molasses, Sugar House Syrup, Golden and Amber Drip Syrups.—West's No. 1 Kerosene Oil.—Pure Cider Vinegar, (no pummace about this.) Salt,—Sugar Cured Hams,—Bacon, Cheese, Lard,—Mackerel, in kits, barrels, or by the pound.—Soda, Sugar, Butter and Lemon Crackers,—Egg Cream Biscuit, by box, barrel or pound.—Spices, all kinds,—Candy, by package or small.—Fruits, Cigars, Nuts, Snuff, Concentrated Lye.—Pickles and Sardines, best in market.—Flour, by barrel, bag or small—Meal, Corn, Peas, Beans.—Table Salt, Rice, Currants, Citron, Flavoring Extracts,—Brandy Peaches, Adamantine, Tallow, and Hotel Candles,—Powder, Shot, Caps,—Cream Tarter,—Pearl Barley, Landreth's Garden Seeds.—Toilet, Rosin, Caststeele and Olive Soaps,—Fishing Tackle—Fancy Goods.—Coye Oysters, Lobsters.—Pine Apple in Syrup.—Gelatine, a new article for making Jelly in a few minutes.—Sauces and Condiments, of all kinds.—Smoking and Chewing Tobacco.—Starch, Indigo, Madder, Bluing, Extract Logwood, Oils and Dyestuffs.

B. F. CROSLAND.

Salem, April, 16, 1869. 26–3m

ENCOURAGE

HOME ENTERPERIS!

North Carolina Home Insurance Company of Raleigh, N. C.

Incorporated Dec. 1868.

Chartered Capital.....$500,000
Amount now liable for losses, 178,000

OFFICERS:

J. H. FOOTE, President.
W. E. PELL, Vice President,
R. H. BATTLE, Treasurer,
R. H. BATTLE, Jun., Attorney,
SEATON GALES, Secretary,
W. H. MURDOCK, Assistant Secretary.

THE HOME COMPANY, CHARtered by the Legislature of North Carolina, insures property against loss or damage by

FIRE, LIGHTNING OR TORNADO,

And does business on the Mutual and Joint Stock plans.

The character of those who control the affairs of the Company is a sufficient guarantee that it is what it professes to be, a HOME ENTERPRISE, offering ample and liberal protection against loss by fire, &c., on the most easy and liberal terms to insurers.

The TWENTY THOUSAND DOLLARS in N. C. Bonds, required by the Charter to be deposited with the Public Treasurer, have promptly been so deposited and the Treasurer's receipt therefor obtained.

Policies are issued for a term not to exceed five years.

No other Company offers greater inducements to insurers.

For further particulars call on

J. A. LINEBACK, Agent.

Salem, N. C., April 2, 1869. 24..3m.

NEW YORK AND NORTH CAROLINA

STEAM-SHIP LINE FROM

NEW YORK TO WILMINGTON, N. C

THIS LINE WILL COMPRISE THE FOLLOWING STEAMERS:

FAIRBANKS,.....Capt. A. HUNTER.
WM. P. CLYDE, " D. P. MORGAN.
REBECCA CLYDE, " O. CHICHESTER.
MARY SANDFORD, " JOHN MOORE.

With such additional Steamers as may be required to meet the Demands of the Trade.

SAILING FROM NEW YORK EVERY

WEDNESDAY AND SATURDAY

At 4 P. M. from Pier 15 E. R. foot of Wall St.

☞ The attention of SHIPPERS is called to the LOW RATES AND FACILITIES offered by this line, which are superior to any heretofore offered.

☞ THROUGH BILLS OF LADING given to all points on the North Carolina Railroad and its Connections via Goldsboro.

J. A. SADLER,
Soliciting Agent.

WORTH & DANIEL, Ag'ts, Wilmington, N. C.
JAMES HAND, " 109 Wall Street, N. Y.
Feb. 23, 1869.—tf.

NEW BOOKS!

The Rifle and the Hound in Ceylon,
Elliott's "How Lisa Loved the King,
" Spanish Gipsey,
Auerbach's Black Forest Tales,
Hilt to Hilt, by Cook,
Ethlyn's Mistake, by Miss Holmes,
Art of Conversation,
Art of Amusing,
Habits of Good Society,
Family Bibles—Cheap.
Evening by Evening—Spurgeon.
Among the Hills—Poem by Whittier.
Wedding Gift.
American Cook Book.
Sensible Letter Writer.
Fire Board Prints.
Horse Doctor.
Horse Tamer.
Chesterfield.
Gold Paper, &c.

Just received at the

BOOK-STORE.

Salem, N. C., June 4, 1869.

CHEAP EDITIONS OF

HORSE DOCTOR, HORSE TAMER,
Guide in the management of Animals,
American Cook Book,
Family Receipt Book,
Family Doctor,
Frugal Housewife.
Letter Writers,
Etiquette, AT BLUM'S

MUEHLBACH'S HISTORICAL NOVELS.

The most readable books ever offered to the public. For sale at the Bookstore.

First in the Market!!

A VERY ELEGANT STOCK OF

NEW GOODS,

combining the Beautiful, the Fashionable, and the Useful,

Just Received

and opened for sale at

PATTERSON & CO'S.

OWING to unusually heavy sales, the past Fall and Winter, we have been compelled to replenish our stock earlier than heretofore. Believing that our efforts to please a large and growing custom, have been fully appreciated, we have purchased a stock of

GOODS FOR THE SPRING TRADE

which we are sure will meet the wants of those who may favor us with a call.

Our line of DRESS GOODS cannot be excelled, and will be found to contain the latest styles of all the different makes of

PRINTS, SPRING DELAINES,
MUSLINS, MOZAMBIQUES,
GINGHAMS, LAWNS,
TRAVELLING GOODS, &c., &c.

In the way of

NOTIONS

we present a variety, such as

Hoop Skirts,	Gloves and Hosiery,
Breakfast Shawls,	Perfumery,
Threads,	Soaps,
Buttons,	Handkerchiefs,
Trimmings,	Fancy Articles.

Our stock of

HATS

is full, comprising Men's and Boy's Wool, Fur and Straw, in great variety. Several new styles are introduced that cannot fail to please the most fastidious.

We keep constantly on hand an assortment of the celebrated

Thomasville, (*Shelly Bro. & Co.,*)

PEGGED SHOES, for Men's, Women's, Misses' and Children's wear.

And in our new stock can be found

GENT'S FINE SEWED SHOES,
LADIES' " " "

For Ladies desiring the very best and neatest shoes made, we have brought expressly a lot of Miles' Celebrated Gaiters.

We offer the usual assortment of

DRUGS, DYE-STUFFS, &c.,

kept in Stores selling general merchandise.

We buy of the most reliable houses, and can supply the very best

Indigo,	Spices
Madder,	Dye-Stuffs,
Soda,	Oils, &c.

Our Stock of

GLASS & QUEENSWARE

very attractive, both in quality and price,

We keep also a well selected stock of

STATIONERY,

suitable for our customers. Of

HARDWARE

we have an excellent variety:

We offer Mill-Saws, Hand-Saws, Spades, Shovels, Forks, (both Hay and Garden,) Hoes, Axes, Chains, Springs and Axles, Carriage Hardware and Trimmings; Files, Knives, of every description; Shoemaker's Tools, Hammers, Wire, Tacks, &c., &c.

Also a complete stock of FARMERS' AND BLACKSMITH'S IRON, rolled and hammered; Stoves, Hollow-ware, Nails, Grindstones, &c. In

GROCERIES,

we cannot be excelled. We have all grades of ***SUGARS and COFFEES***, and the very best ***CUBA MOLASSES.***

We are still Agents for

Price's Celebrated Woolen Goods,

and COTTON YARNS.

Also for

CEDAR FALLS SHEETING.

All kinds of

COUNTRY PRODUCE,

usually bought in Salem, we take in exchange for goods, at the highest market rate.

Our Clerks deem it a pleasure to show goods, and no offence is taken when persons do not buy.

☞ CALL UPON US AT THE OLD STAND

MAIN STREET, SALEM, N. C.,

One door North of the National Bank.

PATTERSON & CO.

HALL'S ALPHABET BLOCKS.

The very thing for Children.

FRENCH NOTE PAPER.

A superior lot of French Note Paper with Envelopes to match, offered at a bargain.

At BLUM'S.

Real Estate Agency!

DO you wish to sell your land or other Real Estate property? If you do, apply to

HEGE BROTHERS.

30-3m.

LADIES SATCHELS,

LADIES COMPANIONS,
LADIES PORT MONNAIES,
at the BOOKSTORE.

AT REASONABLE RATES

At the BOOKSTORE,

PAPER AND ENVELOPES:

Cap, Letter, Note, Billett,
plain and fancy.

Stereoscopic Views.

We invite particular attention to our selection of views. They contain some of the finest views in America, embracing

NIAGARA,

NEW YORK CITY

BOOKS BY MAIL.

WE will send the following valuable and highly interesting Books by mail, upon receipt of price:

Every Man his Own Lawyer, and Business Form Book. Price $2 75.
☞ Chemistry of the Farm. Price $1 40.
The Old Capitol and its Inmates, $1 50.
Diary of a Refugee, $2 00.
Wearing the Gray, (600 pp.) $4 50.
Abbott's Histories, each, $1 25.
New Physiognomy or Signs of Character $5 50.
New Illustrated Self Instructor, $1 00.
Life of Christ, $1 75.
Schonberg Cotta Family, $2 00.
On Both Sides of the Sea, do
Diary of Kitty Trevylyan, do
Early Dawn, do
Drayton's and Devanant's, do
Prayers of the Ages, $3 00.
Jargal, $2 00.
Four Oaks, $2 00.
St Elmo, $2 25.
Arabian Knights, $2 25.
Gulliver's Travels, $1 75.
Horse Shoe Robinson, $2 25.

Address, L. V. BLUM.
Salem, N. C. Feb. 1, 1869.

PLANCHETTE!

The theory of Planchette is, that it gathers the Magnetism or electricity generated by those who place their fingers thereon; this, when sufficient, giving an automatic motion to the instrument and poncil.

DIRECTIONS.

Place "Planchette" on a sheet of white paper. Two persons lay the tips of their fingers upon it, not in any way influencing its motion; then one of them or a third person, asks a question, and Planchette moves over the paper, and writes the reply.

Planchette acts quicker for some persons than it does for others, sometimes waiting twenty minutes before moving.

For sale at the
SALEM BOOK-STORE.

DR. GODDIN'S
COMPOUND
GENTIAN BITTERS.

Cures Chills and Fever, Dyspepsia, Indigestion, Colic, Sick Stomach, Bronchitis, Asthma, Neuralgia, Rheumatism, &c.

☞ A UNIVERSAL TONIC. ☜

A sure, safe, and reliable preventive and cure for all Malarial diseases, and all diseases requiring a general tonic impression.

Prepared only by DR. N. A. H. GODDIN and for sale everywhere.

JAMES T. WIGGINS.
(Successor to J. H. Baker & Co.,) Proprietary Agent and Wholesale dealer in Patent Medicines, Norfolk, Virginia.
April 30, 1869. 28–1y.

D. T. CARRAWAY,
COMMISSION MERCHANT,
—AND—
Dealer in Groceries, Provisions, Hardware, Glass & Crockery Ware, Wall Paper, Window Shades, &c.

PROMPT attention given to orders, and to the sale of Cotton, Grain, Naval Stores, Tobacco, Dried Fruit, &c., on Commission.

Court House Building,
New Bern, N. C.
April 9, 1869. 25–1y

CAUTION!

We desire to warn the dealers in and consumers of snuff generally, that since the war, certain tobacco manufacturers, being unable to find a market for their snuffs, felt themselves obliged to counterfeit the general appearance of our packages, and imitate our Trade Marks, so that a close inspection is necessary to detect the spurious article from the genuine, and others going so far as to assert th "Lorillard's Snuff is no longer made."

In making this publication we desire to warn the public against the impositions practiced upon them; as they are the losers thereby.—It will be found upon comparison that Lorillard's Snuff is "far ahead" of all others, being made of the best stock, after an original and secret process known only to ourselves, besides possessing great age, strength and pungency, and is warranted not to contain any dangerous or deleterious substances, which cannot be said of the many worthless articles put on sale by others. The best is the cheapest in the end. A circular will always be mailed on application.

In ordering please specify if Salt Snuff (High Toast,) or Fresh Snuff, (Extra Scotch) is desired. P. LORILLARD, New York.
March 19 22– m.

PHOTOGRAPH ALBUMS,
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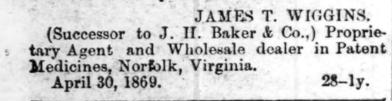
Plantation for Sale,
NEAR SALEM.



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